

REMARKS

Claims 1, 3, 6, 7, 10, 13, 16 and 17 stand rejected under 35 U.S.C. § 102 (a) as being anticipated by United States Patent No. 5,729,832 to Grilliot et al. Applicant respectfully traverses this rejection.

Applicant has amended independent Claim 1 to include the subject matter of dependent Claim 2; Applicant has amended independent Claim 10 to include the subject matter of dependent Claim 11; and Applicant has amended independent Claim 19 to include the subject matter of dependent Claim 20. Accordingly, independent Claims 1, 10 and 19 all include, *inter alia*, a traction device. As correctly acknowledged by the Examiner on lines 10-12 of page 3 of the September 14, 2004 Office Action, the Grilliot et al. reference fails to disclose the claimed traction device. Accordingly, for at least this reason, Applicant respectfully requests the withdrawal of this § 102 (a) rejection of independent Claims 1, 10 and 19 and associated dependent Claims 3, 6, 7, 13, 16 and 17.

Claims 2, 4, 11, 14 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Grilliot et al. in view of United States Patent No. 6,708,342 to Boersema. Applicant respectfully traverses this rejection.

Applicant has incorporated the subject matter of (now-cancelled) dependent Claims 2, 11 and 20 into independent Claims 1, 10 and 19, respectively. Accordingly, Applicant will respond to this rejection as though it also included independent Claims 1, 10 and 19.

Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify the Grilliot et al. reference in light of the Boersema reference because these two references relate to completely different types of clothing. More specifically, the garments of the Grilliot et al. reference are for emergency workers, such as firefighters, who work in extremely hazardous environments. Even more specifically, the Grilliot et al. reference discloses abrasion-resistant, thermally protective garments with puncture resistant members at the forearms and the knees to protect the firefighter, or other emergency worker, from being injured by hypodermic needles. In contrast, the garments of Boersema are disclosed as being intended for use by an infant, presumably in a traditional domestic environment. Applicant respectfully submits that one of ordinary skill in the art of protective firefighter garments would not be motivated to modify a firefighter garment in light of a reference related to infant's clothing because the fields of expertise are too diverse. Accordingly, for at least this reason, Applicant respectfully requests the withdrawal of this §103 rejection.

Further, even assuming *arguendo* that one of ordinary skill in the art would have been motivated combine to Grilliot et al. with Boersema, the claimed invention of independent Claims 1, 10 and 19 would still not have resulted. More specifically, the protective garments of the Grilliot et al. reference lack the “soft and flexible” protective devices at the knee and/or elbow areas of a garment, as defined in independent Claims 1, 10 and 19. Instead of being “soft and flexible,” the protective devices of Grilliot et al. are made of hard plastic or metal (or include hard plastic or metal cores) in order to be puncture

resistant. *See e.g.*, Grilliot et al., col. 3, lines 36-41. Further one of ordinary skill in the art would not have been motivated to modify the protective devices of Grilliot et al. into the claimed “soft and flexible” protective devices of Applicant’s independent Claims 1, 10 and 19 because to do so would most likely destroy their puncture-resistant property, which property is one of the main objectives of the Grilliot et al. reference (*see e.g.*, col. 2, lines 23-26 and 33-36). Accordingly, as all of the features of independent Claims 1, 10 and 19 are not disclosed or suggested in the proposed combination of Grilliot et al. and Boersema, Applicant respectfully requests the withdrawal of this § 103 rejection for this reason also.

Claims 5, 8, 15 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Grilliot et al. Applicant respectfully traverses this rejection.

Claims 5, 8, 15 and 18 all depend from either independent Claim 1 or independent Claim 10 or independent Claim 19, and therefore include all of the features of their associated independent claim, plus additional features. Accordingly, Applicant respectfully requests that the § 103 rejection of dependent Claims 5, 8, 15 and 18 under Grilliot et al. be withdrawn considering the above remarks directed to independent Claims 1, 10 and 19 related to the lack of a “soft and flexible” protective device in Grilliot et al.

Claims 9 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Grilliot et al. in view of Boersema and United States Patent No. 6,332,224 to Walker et al. Applicant respectfully traverses this rejection.

Claims 9 and 12 depend from either independent Claim 1 or independent Claim 10, and therefore include all of the features of their associated independent claim, plus additional features. Accordingly, Applicant respectfully requests that the § 103 rejection of dependent Claims 9 and 12 under the combination of Grilliot et al., Boersema and Walker et al. be withdrawn considering the above remarks directed to the § 103 rejection under Grilliot et al. and Boersema, and also because Walker et al. does not remedy the deficiencies discussed above, nor was it relied upon as such.

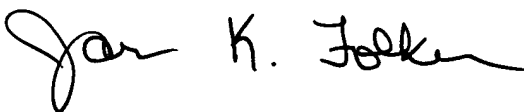
Further, Applicants also respectfully submit that one of ordinary skill in the art would not have been motivated to modify the firefighter garment of Grilliot et al. in light of the infant socks with knee pads of Walker et al. because of the diverse areas of the garment industry that these two references relate to, and also because the padded foot portions of Walker et al. would not be useful for the intended purpose of protecting against scratching in the firefighter garment of Grilliot et al. because such socks would be covered by protective boots, thereby rendering such scratch protection unnecessary. Accordingly, for at least these reasons, withdrawal of this § 103 rejection is respectfully requested.

Finally, Applicant has also added new dependent Claims 21-23. Applicant respectfully submits that these new dependent claims are allowable for at least the reasons discussed above with regard to their associated independent claims.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 

James K. Folker

Registration No. 37,538

January 14, 2005
Suite 2500
300 South Wacker Drive
Chicago, Illinois 60606
(312) 360-0080
Customer No. 24978

P:\DOCS\4150\70202\807806.DOC